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EXAMINER

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ART UNIT PAPER NUMBER

3621

DATE MAILED: 09/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/752,348	Applicant(s) MAJOR ET AL.	
	Examiner Mary Cheung	Art Unit 3621	<i>NW</i>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of the Claims

1. Claims 1-38 are pending. Claims 1-3, 23, 26 and 33-34 are amended.

Response to Arguments

2. Applicant's arguments filed June 7, 2004 have been fully considered but they are not persuasive.

In response to applicant's argument that Downs (U. S. Patent 6,574,609) fails to teach the newly added limitation that the deployment enhancement is one or more devices that cache portions of the multimedia digital content, and the viewing system is separate from the deployment enhancements, examiner believes that "DC Library Collection 196" in Downs corresponds to the deployment enhancement, and the "web browser" corresponds to the viewing system, and the "DC Library Collection 196" are separate from the web browser.

In response to applicant's argument that Hendricks (U. S. Patent 5,798,785) fails to teach using a cache local, Examiner respectfully disagrees because Hendricks teachings retrieving programs from user's device as shown in Figure 2.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

Art Unit: 3621

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-3, 5, 8-9, 11-13, 18-19, 24-31, 33 and 35-38 are rejected under 35

U.S.C. 102(e) as being anticipated by Downs et al., U. S. Patent 6,574,609.

As to claim 1, Downs teaches an Internet Box Office (IBO) system adapted to vend multimedia content via a computer network to a consumer, the IBO system comprising (abstract and column 12 lines 36-55 and Figs. 1A-1D, 6):

- a) A content delivery networking (CDN) infrastructure of the computer network, the CDN infrastructure including deployment enhancements that download the multimedia digital content over the network, wherein the deployment enhancements includes one or more devices that cache portions of the multimedia digital content (column 11 lines 64-66 and column 43 lines 43-47 and column 76 lines 25-39 and Figs. 1D, 6, 10; *specifically, "the deployment enhancement" corresponding to the "DC Library Collection 196" in Fig. 1D and Fig. 10*);
- b) A viewing system coupled to the deployment enhancements of the CDN infrastructure and separate from the deployment enhancements, the viewing system capable of displaying the multimedia digital content to the consumer (column 11 line 54-64 and column 32 lines 28-32 and Figs. 1D, 16; *specifically, the viewing system corresponding to the web browser in Downs' teaching*);
- c) A digital rights management (DRM) system coupled to the viewing system, the DRM system functioning to authorize the multimedia digital content for

viewing by the consumer (column 11 lines 7-24 and Figs. 1C-1D, 6; *specifically, the DRM system corresponding to the clearinghouse in Downs' teaching*);

d) A digital content management system configured to store the multimedia digital content in encrypted form, the digital content management system interacting with the deployment enhancements of the CDN infrastructure to schedule delivery of the encrypted content to the viewing system upon authorization by the DRM system, and wherein that dynamically decrypts the encrypted content based on authorization received from the DRM (column 22 line 47 – column 23 line 45 and column 78 lines 22-59 and Figs. 1B, 6; *specifically, the digital content management system corresponding to the electronic digital content stores*).

As to claim 2, Downs teaches a web server coupled to the viewing system and configured to organizes titles of the multimedia digital content for browsing by the consumer when selecting the multimedia digital content (column 69 line 61 – column 70 line 6 and Fig. 9).

As to claim 3, Downs teaches an Internet Box Office (IBO) system for vending digital content via a computer network to a consumer, the IBO system comprising (abstract and column 12 lines 36-55 and Figs. 1A-1D, 6):

a) A viewing system, the viewing system being in electronic communication with the computer network and the viewing system having a user interface (column 11 line 54-64 and Figs. 1D, 16; *specifically, the viewing system corresponding to the web browser in Downs' teaching*);

- b) A movie management system in electronic communication with the viewing system through the computer network, the movie management system having a play list manager, the play list manager having a list of titles of the digital content available for viewing and selecting through the user interface, wherein the movie management system interacts with one or more caching devices for delivering encrypted digital content to the view system and the caching devices are separate from the viewing system (column 6 line 67 – column 7 line 2 and column 32 lines 28-32 and column 69 line 63 – column 70 line 6 and column 76 lines 25-39 and column 78 lines 22-59 and Figs. 1B, 6, 10, 14; *specifically, “the movie management system” corresponding to the electronic digital content stores, and “the caching devices” corresponding to the DC Library Collection 196 in Down’s teaching*);
- c) A rights management system for granting a right to view a selected digital content, which is encrypted, represented by the title selected through the movie management system, the right to view being granted by downloading to the viewing system a decryption key enabling decryption of the selected encrypted digital content (column 11 lines 7-24 and Figs. 1C-1D, 6; *specifically, the rights management system corresponding to the clearinghouse in Downs’ teaching*);
- d) A display for viewing the selected encrypted digital content which is downloaded from the movie management system to the viewing system, the download is scheduled and the selected digital content being dynamically decrypted, through use of the decryption key downloaded from rights

Art Unit: 3621

management system to the viewing system, so that no decrypted version of the selected encrypted digital content is stored on the viewing system (column 22 line 47 – column 23 line 45 and column 78 lines 22-59 and Figs. 6, 14-16).

As to claim 5, Downs teaches the digital content further comprises interactive digital content, movies, ads, and trailers (column 6 line 67 – column 7 line 3 and column 68 lines 29-33 and column 70 lines 13-27).

As to claim 8, Downs teaches the right management system provides usage tools for controlling interface between the consumer and the digital content, and tracking tools for use and distribution of the digital content (column 11 lines 7-52 and Fig. 1C).

As to claim 9, Downs teaches secure and managed communication through the computer network to protect the rights of an owner of the digital content (Figs. 5-6).

As to claim 11-13, Downs teaches the movie management system has a plurality of movie studio web servers, the movie studio web servers are located at a plurality of web sites, and optimally schedule downloading of the selected digital content from the movie studio web servers based on consumer directions (column 9 lines 29-38 and column 10 lines 19-59 and column 78 lines 22-40 and Figs. 1A-1D).

As to claim 18, Downs teaches the digital content is copyrighted; a managed storage system for storing the encrypted digital content on the viewing system in encrypted form (column 19 lines 21-28 and Fig. 1A-1C, 2).

As to claim 19, Downs teaches a feature permitting the consumer to choose a time at which to view the downloaded digital content (column 78 lines 28-40).

As to claim 24, Downs teaches user interface is a web browser (Fig. 1D).

Art Unit: 3621

As to claim 25, Downs teaches provision to a accommodate streaming video media (column 6 line 67 – column 7 line 3).

As to claim 26, Downs teaches a method of operating an Internet Box Office (IBO) system for vending digital content via a computer network to a consumer using a viewing system, comprising (abstract and column 12 lines 36-55 and Figs. 1A-1D, 6):

- a) Accessing a computer network through the viewing system (column 11 line 54-64 and Figs. 1D, 16; *specifically, the viewing system corresponding to the web browser in Downs' teaching*);
- b) Browsing, through a play list manager in electronic communication through the computer network with the viewing system, a list of titles of the digital content available for viewing (column 69 line 63 – column 70 line 6 and Figs. 1B, 6, 14);
- c) Selecting, from the play list manager, a title for viewing (column 70 lines 7-27 and column 78 lines 22-59 and Figs. 1B, 6, 14);
- d) Granting a right to view the title by a rights management system (column 11 lines 7-24 and Figs. 1C-1D, 6; *specifically, the rights management system corresponding to the clearinghouse in Downs' teaching*);
- e) Scheduling a download from a movie management system to view the viewing system the selected digital content for which the rights management system has granted the right to view, the selected digital content in encrypted form and downloading the digital content when scheduled to do so, and wherein the movie management system interacts with deployment enhancements that perform caching and the deployment enhancements are separate from the

Art Unit: 3621

viewing system (column 22 line 47 – column 23 line 45 and column 32 lines 28-32 and column 76 lines 25-39 and column 78 lines 22-59 and Figs. 6, 10, 14-16);

f) Downloading to the viewing system from the right management system a decryption key associated with the selected digital content that enables dynamic decryption of the selected digital content so that no decrypted version of the selected digital content is stored on the viewing system (column 11 lines 7-24 and column 22 line 47 – column 23 line 45 and Figs. 1C-1D, 6);

g) Viewing on the viewing system the selected digital content (Figs. 14-16).

As to claim 27, Downs teaches accessing at least one web server that contains a list of titles of the digital content available for viewing (column 69 lines 61 – column 70 line 6).

As to claim 28, Downs teaches adding the title selected to a running list of selections (Figs. 14-16).

As to claims 29-31, Downs teaches paying for the right management system for a right to view selected digital content (column 45 line 51 – column 46 line 5 and column 82 lines 50-59 and Fig. 1C).

As to claim 33, Downs teaches a method of use an Internet Box Office (IBO) system for vending copyright-protected multimedia digital content via a computer network to a consumer, the IBO system having a viewing system, a digital rights management system, and a digital content management system, the method comprising (abstract and column 12 lines 36-55 and Figs. 1A-1D, 6; *specifically, “a viewing system” corresponding to the web browser, “a digital rights management*

Art Unit: 3621

system” corresponding to the clearinghouse, and “a digital content management system” corresponding to the electronic digital content stores in Downs’ teaching):

- a) Finding and selecting, through cooperation of the viewing system and the digital content management system, multimedia digital content for playing back (column 69 line 63 – column 70 line 6 and Figs. 6, 14);
- b) Scheduling a downloaded encrypted multimedia digital content from the digital content management system to the viewing system and downloading the digital content when scheduled to do so, and wherein at least a portion of the digital content is supplied from cache of a caching device during the download (column 22 line 47 – column 23 line 45 and column 76 lines 25-39 and column 78 lines 22-59 and Figs. 1D, 6, 10, 14-16; *specifically, “caching device” corresponding to the “DC Library Collection 196” in Down’s teaching);*
- c) Displaying to the consumer, through the cooperation of the viewing station system and the digital rights management system, the copyrighted-protected multimedia digital content as the digital content is dynamically decrypted, and no decrypted version of the digital content is saved on the viewing system (column 11 lines 7-24 and column 22 line 47 – column 23 line 45 and Figs. 1C-1D, 6).

As to claims 35-38, Downs teaches at least one node for carrying out the method, instruction and data containing for the practice of the method, and electromagnetic signals traveling over a computer network carrying information for the practice of the method (Figs. 1A-1D, 6).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 4 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Downs et al., U. S. Patent 6,574,609 in view of Candelore, U. S. Patent 6,057,872.

As to claims 4 and 32, Downs teaches the rights management system further comprising a billing system for accepting payment through the viewing system for the right to view (column 45 line 51 – column 46 line 5 and Fig. 1C). Downs does not specifically teach the billing system having the capability of applying a discount if the consumer has agreed to view digital content in addition to the selected digital content. However, Candelore teaches applying a discount if the consumer has agreed to viewing digital content in addition to the selected digital content (abstract and column 10 lines

Art Unit: 3621

54-57). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the billing system in Downs' teaching to include the feature of applying a discount if the consumer has agreed to viewing digital content in addition to the selected digital content for promoting the additional content to the consumer.

8. Claims 6 and 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Downs et al., U. S. Patent 6,574,609.

As to claim 6, Downs teaches receives from the movie management system and displays to the information about the status of the digital content being downloaded (column 47 line 37 – column 48 line 31 and column 67 line 66 – column 68 line 2).

Downs does not specifically teach displaying the status to the consumer. It would have been obvious to one of ordinary skill in the art to allow the status in Downs' teaching to be displayed to the consumer because it would allow the consumer to know the status of the digital content being downloaded.

As to claim 22, Downs teaches each process has a queue associated with it (column 48 lines 13-21). Downs does not explicitly teach portions of the selected encrypted digital content are queued so that the computer network substantially maintains its pre-download performance. It would have been obvious to one of ordinary skill in the art to allow the queue process in Downs' teaching to include the feature of portions of the selected encrypted digital content are queued because this would allow the consumer to fast and efficiently download the encrypted digital content.

As to claim 23, Downs teaches tracking the consumer's usage history (column 12 lines 31-35). Downs does not specifically teach allowing the consumer to specify a

Art Unit: 3621

maximum number of trailers to download for each movie downloaded. It would have been obvious to one of ordinary skill in the art to allow tracking method in Downs' teaching to include the feature of allowing the consumer to specify a maximum number of trailers to download for each movie downloaded for suiting the best interest of the consumer in terms of obtaining the trailers.

9. Claims 7 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Downs et al., U. S. Patent 6,574,609 in view of Peterson, Jr., U. S. Patent 5,857,020.

As to claim 7, Downs teaches a digital certificate is used for authentication that comprises expiration date. Downs does not specifically teach the right management system protects the decrypted key during a fixed length of time and ensures that the decryption key expires after the fixed length of time. However, Peterson teaches this matter (column 8 lines 52 – column 9 line 20 and Fig. 3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the right management system in Downs' teaching to include the feature of having an expiration date to associate with the decryption key because this would allow the encrypted digital content to be better protected from the people who obtaining the expired decryption key.

As to claim 10, Downs teaches a policy management process for leasing the digital content, a monitoring process for monitoring adherence to the lease of the digital content, and erasing the downloaded digital content according to the usage conditions (column 11 lines 7-39 and column 11 line 64 – column 12 line 4). Downs does not explicitly teach the usage conditions comprising a purging process for erasing the downloaded digital content when the lease expires. However, Peterson teaches

Art Unit: 3621

erasing digital content when usage time of the digital content expires (column 3 lines 6-35 and column 8 line 52 – column 9 line 3 and column 10 lines 4-19 and Figs. 1, 3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the usage conditions in Downs' teaching to include the feature of erasing the downloaded digital content when the lease of the digital content expires so that the digital content can be better protected against unauthorized access.

10. Claims 14-16 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Downs et al., U. S. Patent 6,574,609 in view of Hendricks et al., U. S. Patent 5,798,785.

As to claims 14-16 and 20, Downs teaches an IBO system for vending digital content via a computer network to a consumer as discussed in claim 3 above. Downs does not specifically teach using a cache local to viewing system. However, Hendricks teaches these matters (Fig. 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the IBO system in Downs' teaching to include these features because it would allow consumer to request various types of digital contents and it would also allow the consumer to fast access the requested digital contents.

11. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Downs et al., U. S. Patent 6,574,609 in view of Slotznick, U. S. Patent 6,011,537.

As to claim 17, Downs teaches downloading a movie associated with a trailer (column 6 line 59 – column 7 line 3 and column 70 lines 13-27 and Figs. 1A-1D, 6). Downs does not specifically teach the consumer can view a trailer during screen saver

Art Unit: 3621

time on the viewing system. However, Slotznick teaches consumer can view a trailer during screen saver time on the viewing system (column 16 lines 61 – column 17 line 9). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow Downs' teaching to include feature of allowing the consumer to view a trailer during screen saver time on the viewing system because it would provide pleasant time and information to consumer during the time of downloading or the time for accessing.

12. Claims 21 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Downs et al., U. S. Patent 6,574,609 in view of Casagrande et al., U. S. Patent 6,049,892.

As to claim 21, Downs teaches an IBO system for vending digital content via a computer network to a consumer as discussed in claim 3 above. Downs does not specifically teach a download manager which automatically resumes an interrupted download operation. However, Casagrande teaches this matter (abstract and column 8 lines 23-26). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the downloading method in Downs' teaching to include the feature of automatically resumes an interrupted download operation as taught by Casagrande because it would allow the consumer for fast and efficiently downloading digital contents.

As to claim 34, Downs teaches presenting, through cooperation of the digital content management system and the viewing system, download status information (column 47 line 37 – column 48 line 31 and column 67 line 66 – column 68 line 2).

Art Unit: 3621

Downs does not specifically teach detecting of, and automatic restarting after, a download interruption, and notifying the consumer of the download interruption and new availability time for the content. Casagrande teaches detecting a download interruption and automatically restarting after a download interruption, and allowing the consumer to specify a time for download operation in combination with the ability to automatically restart a download (abstract and column 3 lines 27-30 and column 8 lines 23-26).

Casagrande does not specifically teach notifying the consumer of the download interruption and new availability time for the content. It would have been obvious to one of ordinary skill in the art to allow Casagrande's teaching to include the feature of notifying the consumer of the download interruption and new availability time for the content because this would allow the consumer to better choose a specified time for download operation. It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow Downs' teaching to include the features of detecting of a download interruption, automatically restarting after a download interruption, and notifying the consumer of the download interruption and new availability time for the content as taught by the modified teaching of Casagrande because this would allow the consumer to fast and efficiently download digital contents.

Conclusion

13. Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is

Art Unit: 3621

respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

14. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Art Unit: 3621

Inquire

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Cheung whose telephone number is (703)-305-0084. The examiner can normally be reached on Monday – Thursday from 10:00 AM to 7:30 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell, can be reached on (703) 305-9768.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

The fax phone number for the organization where this application or proceedings is assigned are as follows:

(703) 872-9306 (Official Communications; including After Final
Communications labeled "BOX AF")

(703) 746-5619 (Draft Communications)

Hand delivered responses should be brought to Crystal Plaza Two, Room 1B03.

Mary Cheung
Patent Examiner
Art Unit 3621
September 17, 2004



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